

CONSTANTINE CANNON LLP

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October 29, 2018

VIA EMAIL

Charles E. Enloe
Office of Litigation and Enforcement
Office of the General Counsel
U.S. Department of Transportation
1200 New Jersey Avenue SE, Room W94-205
Washington, DC 20590
charles.enloe@dot.gov

**Re: *Request for Declaration from the U.S. Department of Transportation
Pursuant to 49 CFR Part 9***

Dear Mr. Enloe:

I am writing as counsel for All Nippon Airways Co., Ltd. (“ANA”) to submit the enclosed (1) All Nippon Airways Co., Ltd.’s Request for Declaration (“ANA’s Request”), and (2) the supporting Declaration of Gary J. Malone (“Malone Declaration”). These documents are being submitted to the United States Department of Transportation (“DOT”), pursuant to 49 CFR Part 9, to request that the DOT submit a declaration discussing certain relevant issues in a pending litigation.

ANA is the sole defendant (after various settlements) litigating the case of *In re Transpacific Passenger Air Transportation Antitrust Litigation*, Case No. C 07-5634-CRB (“*Transpacific*”), which is currently pending in the United State District Court for the Northern District of California, and is scheduled for trial to commence on March 4, 2019. Counsel for all of the plaintiffs are being copied on this letter and being served with ANA’s Request and the Malone Declaration. The information required by 49 CFR Part 9—including the need for a declaration from the DOT to resolve issues in this case—is set forth in ANA’s Request and the Malone Declaration.

ANA is respectfully asking the DOT to submit the requested declaration by November 29, 2018.

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Please do not hesitate to contact me if you have any questions regarding this request.

Very truly yours,



Gary J. Malone

Enclosures

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